

FRESHWATER WETLANDS PROTECTION ACT RULES

SUBCHAPTER 11 (only)

AMENDMENTS TO FEES

EFFECTIVE OCTOBER 2, 2006

7:7A-11.1 General fee provisions

(a) Each application submitted to the Department under this chapter shall include a fee, except as provided at (b) below. An application that does not include the fee required under this subchapter shall be considered administratively incomplete, and shall be handled accordingly under N.J.A.C. 7:7A-12.1. The fees for each application are set forth in the fee tables below.

(b) The following applications shall not require an application fee:

1. An application submitted by an agency of the State under N.J.A.C. 7:7A-2.1(b);
2. An application for authorization under general permit 16 or general permit 25, found at N.J.A.C. 7:7A-5.16 and 5.25, respectively;
3. An application for authorization of activities on public land under general permit 17, found at N.J.A.C. 7:7A-5.17; and
4. An application for a minor modification under N.J.A.C. 7:7A-14.3(c).

(c) All fees shall be paid by personal check, certified check, attorney check, government purchase order, or money order, in accordance with the applicable application checklist.

(d) If proposed activities require approval under this chapter and in addition require one or more other Land Use Regulation Program permits (such as a CAFRA permit, waterfront development permit, coastal wetlands permit, or flood hazard area permit), the application fee shall be the sum of the following:

1. The highest single application fee of all the permits required for the project; and
2. Seventy-five percent of the application fee for each additional approval required.

(e) Any fee required under this chapter that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

(f) An application fee is refundable if the Department returns the application as administratively incomplete under N.J.A.C. 7:7A-12.1(b). An application fee is not refundable once the application has been declared administratively complete under N.J.A.C. 7:7A-12.1. However, if the Department denies an application, or if the applicant withdraws the application under N.J.A.C. 7:7A-12.6, the Department shall credit the fee towards a new application for a revised project on the same site, if the new application is submitted within one year of the denial or withdrawal.

(g) In some cases, an applicant's act or omission makes it necessary for Department staff to perform more than one site visit during the review of an application. In such a case, the Department shall assess an additional fee of up to \$ 1,000 for each additional site visit. No permit, waiver, or letter of interpretation shall be issued until this fee has been paid.

FEE TABLES

Application fees for LOIs (N.J.A.C. 7:7A-3):

<u>Type of LOI</u>	<u>Fee</u>
Presence/absence LOI--whole site	\$ 240.00
Presence/absence LOI under N.J.A.C. 7:7A-3.2--portion of a site or footprint of disturbance	\$ 480.00
Line delineation LOI under N.J.A.C. 7:7A-3.3--site smaller than one acre	\$ 600.00
Line verification LOI under N.J.A.C. 7:7A-3.4--site smaller than one acre	\$ 600.00
Line verification LOI under N.J.A.C. 7:7A-3.4--site one acre or larger	\$ 600.00 plus \$ 84.00 per acre ¹ , up to \$60,000
LOI extension under N.J.A.C. 7:7A-3.6	\$ 240.00, or 25 percent of original fee, whichever is greater
LOI (any type) and a transition area waiver, (any type) if the site is one acre or smaller.	\$ 840.00 Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.
LOI (any type) and a transition area waiver, (any type) if the site is larger than one acre.	\$ 1,080.00 plus \$ 96.00 per acre ¹ Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.
LOI (any type) and a general permit authorization	Sum of applicable LOI and general permit authorization fees
LOI (any type) and an individual permit	Applicable individual permit fee

Application fees for general permit authorizations (N.J.A.C. 7:7A-5):

<u>Type of general permit</u>	<u>Fee</u>
Any general permit authorization, except:	\$ 600.00
1. General permit 16 (wildlife management); 2. General permit 25 (septic repair); or 3. General permit 17 (trail/boardwalk) on public land. Authorization under any of the following: 1. General permit 16 (wildlife management); 2. General permit 25 (septic repair); or 3. General permit 17 (trail/boardwalk) on public land.	None
Multiple general permit authorizations for one site	\$ 600.00 plus \$ 240.00 for each additional general permit
General permit authorization extension	\$ 240.00
Combined general permit 2 authorization and flood hazard area permit	\$ 1,170.00
General permit 10A, 11, or 20 authorization combined with a major flood hazard area permit	\$ 5,250
General permit 10A, 11 or 20 combined with a minor flood hazard area permit	\$ 1,070.00
Combined general permit 26 authorization and flood hazard area permit	\$600.00

Application fees for transition area waivers (N.J.A.C. 7:7A-6):

<u>Type of transition area waiver</u>	<u>Fee</u>
Any transition area waiver, if: 1. The entire site is covered by a valid line delineation or line verification LOI; and 2. The site is one acre or smaller.	\$ 240.00
Any transition area waiver, if: 1. The affected portion of the site is covered by a valid line delineation or line verification LOI; and 2. The site is over one acre.	\$ 600.00 plus \$ 48.00 per acre affected ²
Any transition area waiver, if: 1. The site is not covered by a valid LOI, or has a presence/absence LOI only; and 2. The site is one acre or less	\$ 840.00 Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application
Any transition area waiver if: 1. The site is not covered by a valid LOI, or has a presence/absence LOI only; and 2. The site is larger than one acre.	\$ 1,080.00 plus \$ 96.00 per acre affected ³ Note: this application fee is for a combined transition area waiver and LOI, since the wetlands must be delineated before the review of the transition area waiver application.
Multiple transition area waivers(unless all are special activity transition area waivers)	Sum of all fees for all of the applicable transition area waivers
Multiple special activity transition area waivers for a single site	\$ 600.00 plus \$ 240.00 for each additional special activity waiver
Transition area waiver (any type) and an individual freshwater wetlands or open water fill permit	Either the applicable transition area waiver fee or the individual permit fee, whichever is higher
Transition area waiver (any type) and one or more general permit authorizations	The applicable transition area waiver fee, plus \$600.00 for the first general permit authorization, and \$240.00 for each additional general permit authorization
Transition area waiver extension	\$ 240.00

Application fees for exemption letters (N.J.A.C. 7:7A-2.10):

<u>Type of approval</u>	<u>Fee</u>
Exemption letter	\$ 240.00

Application fees for individual permits (N.J.A.C. 7:7A-7):

<u>Type of approval</u>	<u>Fee</u>
Individual freshwater wetlands or open water fill permit	\$ 2,400 plus \$ 240.00 per 1/10 acre affected ⁴
Individual permit extension	\$ 1,200

Application fees for modifications (N.J.A.C. 7:7A-14):

<u>Type of approval</u>	<u>Fee</u>
Minor modification	None
General permit authorization modification	\$ 240.00
Major modification	25 percent of the application fee originally charged for the approval that is being modified, or \$ 240.00, whichever is higher

Application fees for Water Quality Certifications (N.J.A.C. 7:7A-2.1(d)):

<u>Type of approval</u>	<u>Fee</u>
Water Quality Certificate	\$ 2,400 plus \$ 240.00 per 1/10 acre affected
Water Quality Certificate extension	\$ 1,200

¹ When these fee tables refer to a cost "per acre," this means the cost is per acre or fraction thereof. For example, an area of one and one third acres would have the same fee as an area of two acres. When these fee tables refer to a cost "per 1/10 acre," this means the cost is per tenth of an acre or fraction thereof, such that an area of 0.12 acres would have the same fee as an area of 0.2 acres. When these fee tables refer to an "acre affected," this means an acre of freshwater wetlands, State open waters, or transition area that will be affected by a regulated or prohibited activity.

² See note 1 above.

³ See note 1 above.

⁴ See note 1 above.

Additional Fees for Major Developments pursuant to N.J.A.C. 7:8-1.2 (N.J.A.C. 7:7A-4.3(b)10, N.J.A.C. 7:7A-5.11 and N.J.A.C. 7:7A-7.2):

Qualifier	Area of Impact	Fee
Base fee for any major development	Any size project	\$2,000
Additional fee for the review of groundwater recharge calculations (pursuant to N.J.A.C. 7:8-5.4(a)2) per area of land disturbed by the project	Up to 3 acres	\$500
	More than 3 acres and up to 10 acres	\$1,000
	More than 10 acres and up to 100 acres	\$2,000
	More than 100 acres	\$4,000
Additional fee for the review of runoff quantity calculations (pursuant to N.J.A.C. 7:8-5.4(a)3) per area of land disturbed by the project	Up to 3 acres	\$500
	More than 3 acres and up to 10 acres	\$1,000
	More than 10 acres and up to 100 acres	\$2,000
	More than 100 acres	\$4,000
Additional fee for the review of water quality calculations (pursuant to N.J.A.C. 7:8-5.5) per area of impervious surface under review	Up to 1 acre	\$500
	More than 1 acres and up to 3 acres	\$1,000
	More than 3 acres and up to 10 acres	\$2,000
	More than 10 acres	\$4,000
Additional fee if any vegetation is removed within a Special Water Resource Protection Area (pursuant to N.J.A.C. 7:8-5.5(h))	Any size project	\$2,000